

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: §
§
CAFÉ ANNICE, INC. § CASE NO. 10-33251-H5-11
§
Debtor §

MOTION TO COMPEL TURNOVER OF ACCOUNTING RECORDS

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 20 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE KAREN K. BROWN, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Café Annice, Inc., Chapter 11 Debtor herein, and files this Motion To Compel Turnover of Accounting Records:

1. Café Annice, Inc. filed a voluntary Chapter 11 petition on April 20, 2010.
2. No Chapter 11 Trustee has been appointed herein.
3. For several years prior to the filing of this case, Café Annice, Inc. had employed Bob Domec as its bookkeeper or accountant and had delivered to Mr. Domec on a monthly basis the books and records of Café Annice, Inc. for his review and for

his use in preparing tax returns and financials.

4. On the date that this case was filed the 2008 tax return had not yet been filed, but all accounting data had been delivered to Mr. Domec, and by his own admission, his staff had input the data for the tax year 2008.
5. The Debtor did not believe it was indebted to Mr. Domec on the date the case was filed, but, upon the case being filed, Mr. Domec informed the Debtor and its attorney, Barbara M. Rogers, that he was owed several thousand dollars and he was unwilling to continue to work for the Debtor unless he was paid in full.
6. The Debtor has secured a Certified Public Account, Paul Cashiola, to perform the accounting functions that were previously being performed by Mr. Domec and the Court has entered its order authorizing the employment of Mr. Cashiola.
7. In order for Mr. Cashiola to prepare the 2008 tax return, he needs the General Ledger for Café Annice, Inc. through 2008 that was prepared by Mr. Domec's staff as indicated in the email attached hereto as Exhibit "A".
8. Mr. Domec has refused to furnish this information to the Debtor and has also refused to respond to either phone messages or emails from Ms. Rogers.
9. Mr. Domec cannot keep the Debtor's General Ledger because he has not been paid for the work performed.

WHEREFORE, premises considered, Café Annice, Inc. prays that this Court enter its order compelling Mr. Bob Domec to turnover to the Debtor through either Ms. Rogers or Paul Cashiola, the 2009 General Ledger and all other books and records of Café Annice, Inc. that it has in its possession, and for such other relief to which it may be entitled.

Respectfully submitted,

ROGERS & ANDERSON, PLLC

/S/ Barbara M. Rogers

Barbara M. Rogers
1415 N. Loop West, Ste 1020
Houston, TX 77008
(713) 868-4411
(713) 868-4413 (fax)

Attorney for Debtor

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of July, 2010, a true and correct copy of the foregoing Motion To Compel, was served on all parties listed on the attached Service List, by ECF or first class mail, postage prepaid.

Barbara M. Rogers